

SENATE BILL 722

By Bell

AN ACT to amend Tennessee Code Annotated, Section 37-1-130, relative to severe child abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 37-1-130, is amended by deleting subsections (c) and (d) in their entirety, by substituting instead the following, and by redesignating the subsequent subsections accordingly:

(c) No child who has been found to be a victim of severe child abuse shall be returned to the custody or residence of any person who engaged in or knowingly failed to protect the child from the brutality or abuse unless the court finds on the basis of clear and convincing evidence that the child will be provided a safe home free from further such brutality and abuse. The court shall file written findings of fact that are the basis of its conclusions on that issue within thirty (30) days of the close of the hearing or, if an appeal or petition for certiorari is filed, within five (5) days thereafter, excluding Sundays. No such child shall be returned to such custody on the basis of the court's order until five (5) days after entry of the order without the consent of the department and the petitioner.

SECTION 2. This act shall take effect on July 1, 2011, the public welfare requiring it.